

REMARKS

The Application has been made subject to a species election as set forth in the Office Action. Applicants have amended the application as noted above. Applicants wish to make the following species elections in view of the amendment.

Applicants have considered the species election requested by the Examiner and in view of the Examiner's comments and in view of claims pending in U.S. Serial No. 09/745,783, to which the present application claims priority, and which the same Examiner has issued office actions with respect thereto, including a similar species election. Applicants have amended certain claims and canceled certain claims in a good faith effort to fully comply with the requested species election and to facilitate prosecution of this application on the merits. Accordingly, with respect to fibers used in the construction of fibrous matrices of the present invention, Applicants elect a species where at least one of fibers A and fibers B comprises a biodegradable glass, i.e. a biodegradable non-polymer, without traverse. Applicants have amended claim 1 and claims depending thereon to reflect this species. If the Examiner deems it necessary to make a further species election with respect to fibers A and B for further prosecution on the merits, Applicants further would elect the species where one of fibers A and B comprise a biodegradable glass and the other of fibers A and B comprises an aliphatic polyesters (Claim 31), with traverse as it relates to other polymer species set forth in Claim 32. Applicants admit that other polymer species claimed in claim 32 are obvious variants of aliphatic polyesters.

As to an organized network versus an unorganized network, Applicants respectfully note that all devices claimed comprise a fibrous matrix where the fibers are organized to provide the claimed properties. As such, Applicants respectfully submit that such an election is not necessary.

Regarding claim 11 and 12, Applicants respectfully note that claim 11 is directed to an organized network structure, while claim 12 is directed to a device configuration. As such, Applicants respectfully submit that one Markush grouping is not applicable.

With regards to claim 11, Applicants elect nonwoven as the network species for examination, with traverse. Applicants admit that the other networks claimed therein are obvious variants of a nonwoven network.

Regarding claim 12, Applicants elect a disk as the configuration for examination, with traverse. Applicants admit that other configurations claimed in claim 12 are obvious variants of a disk.

Applicants elect devices comprising unbound fibers, without traverse.

Applicants elect devices without coatings, without traverse.

Applicants elect devices not comprising gradient, transitional or layered constructions as claimed in claims 16-18 and 25, without traverse.

Applicants elect an unseeded device, without traverse.

Applicants elect devices having matrices that are not chemically crosslinked or used with hydrogels, as claimed in claim 21.

Applicants elect devices not utilizing fibers having a sheath/core construction, as claimed in claim 26.

Applicants elect implants not comprising a barrier layer, as claimed in claims 27-30.

Based on the foregoing elections, Applicants respectfully submit that claims 1-5, 11-13, 31, 32, and 37-44 read on the elected species as currently claimed in claim 1.

Applicants have amended claim 1 to cover those implants wherein at least one of fibers A and B comprise a biodegradable glass. Applicants have canceled claims in the application wherein both fibers A and B comprise a biodegradable polymer.

Applicants have amended the specification and claims as noted above to correct an error caused by computer reproduction, i.e. printing. Applicants have added the β _symbol to page 10 as noted above and have replaced the “box” in claim 23 with the β _symbol. Applicants note that the amendment is supported by way of the claim of this application to priority of U.S. Serial No. 09/745,783. As noted, the β _symbol is present at page 15 of the ‘783 application. Applicants have appended a copy of that page hereto for the convenience of the Examiner. Accordingly, Applicants respectfully submit that no new matter has been added by this amendment.

Should the Examiner wish to discuss this Amendment and remarks the Examiner is invited to contact the undersigned to clarify any issues remaining. Applicants respectfully submit that the foregoing is a complete response to the Office Action, all pending claims are patentable and earnestly request a notice of allowance with respect to all pending claims.

Respectfully Submitted,



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